

SUMMARY STATEMENT

State v. Campbell

Docket Nos. 47987 & 48426

Cory Campbell appeals his sentence arising from his conviction of two counts of battery with attempt to commit rape. Campbell, who was seventeen at the time, was charged with five felony offenses related to multiple victims: four counts of rape and one count of forcible penetration by use of a foreign object. He was charged as an adult pursuant to Idaho Code section 20-509. Campbell ultimately pleaded guilty to amended charges: two counts of battery with attempt to commit rape, both against the same victim. The district court accepted Campbell's pleas, and the State dismissed all remaining counts. The district court orally sentenced Campbell to a twenty-year determinate sentence on Count I and to a twenty-year indeterminate sentence on Count II. The district court's written judgment of conviction indicated that the two sentences were to be served consecutively. Campbell timely appealed.

Campbell also sought relief in the district court with an Idaho Criminal Rule 35 motion, arguing, among other things, that the orally pronounced sentence did not match the written judgment of conviction. The district court denied Campbell's Rule 35 motion but ordered that a resentencing hearing take place to clarify the apparent ambiguity involving whether the sentences were to be served consecutively or concurrently. At the resentencing hearing, the district court clarified that although the original sentence was ambiguous, the two sentences imposed were intended to be served consecutively. The district court then entered an amended judgment, specifically clarifying that the sentences were to be served consecutively. Campbell timely appealed from the district court's amended judgment and the denial of his Rule 35 motion, and the two appeals were consolidated by order of this Court.

The Idaho Supreme Court first held that the district court's oral pronouncement of Campbell's sentence was ambiguous, but that the ambiguity was remedied at the resentencing hearing. The Court next held that the district court did not err in denying Campbell's Rule 35 motion, nor did it abuse its discretion in sentencing Campbell to twenty years fixed. The Court further held that the district court did not err in concluding that evidence discovered after Campbell's sentencing was not *Brady* material subject to disclosure. Finally, the Idaho Supreme Court held that the district court did not violate Campbell's Eighth Amendment rights. The sentence of twenty years fixed, followed by twenty years indeterminate, with the terms of each to be served consecutively, was affirmed.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.